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EXAMINER

MANCHO, RONNIE M

ART UNIT

PAPER NUMBER

3663

DATE MAILED: 01/08/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/068,992

Applicant(s)

BURCH ET AL.

Examiner

Ronnie Mancho

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-- Th MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 October 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-36 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in-

(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or

(2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a).

2. Claims 1-29 are rejected under 35 U.S.C. 102(e) as being anticipated by Ran (6317686)

Regarding claim 1, Ran discloses a method of using a Personal Digital Assistant (PDA, fig. 1, col. 17, lines 25-30) to provide travel expenses for an expense report (fig. 9, steps 97, 99; col. 22, lines 41+), comprising:

monitoring travel of the PDA travel and recording (col. 22, lines 9-15) track log data points (point to point, node, node coordinate; col. 17, lines 17-39; col. 21, lines 30-49) that represent the PDA travel (figs. 6, 8-10); and

associating a travel distance from the recorded track log with a PDA expense report entry (fig. 9, steps 97, 99; col. 22, lines 41-49).

Regarding claim 2, Ran discloses the method of claim 1, wherein monitoring travel of the PDA includes:

identifying a starting location (col. 22, lines 4-15; fig. 8, sections 84, 814);

identifying an ending location (col. 22, lines 4-15; fig. 8, sections 84, 814); and

wherein associating the travel distance includes determining the travel distance (col. 22, lines 46-49; fig. 9) based on starting location, the ending location (col. 22, lines 33-36), and the recorded track log (point to point, node, node coordinate; col. 17, lines 17-39; col. 21, lines 30-49).

Regarding claim 3, Ran discloses the method of claim 2, further comprising:

wirelessly transmitting the starting location (col. 21, lines 50+; col. 22, lines 4-8) position and the ending location from the PDA (16, col. 17, lines 25-30) to an external electronic device 85 (fig. 8) such that the external electronic device 85 is capable of calculating the route and determining the travel distance (col. 21, lines 39 through col. 22, lines 1-49) based on starting location, the ending location (col. 22, lines 33-36), and the recorded track log (point to point, node, node coordinate; col. 17, lines 17-39; col. 21, lines 30-49); and

wirelessly transmitting (fig. 8; col. 21, lines 39 through col. 22, lines 1-49) the travel distance from the external device 85 to the PDA (16, col. 17, lines 25-30).

Regarding claim 4, Ran (col. 17, lines 17-47) discloses the method of claim 2, wherein at least one of identifying a starting location and identifying an ending location includes using a waypoint to identify the location.

Regarding claim 5, Ran (col. 17, lines 34-47) discloses the method of claim 2, wherein at least one of identifying a starting location and identifying an ending location includes using an address to identify the location.

Regarding claim 6, Ran (col. 17, lines 34-47) discloses the method of claim 2, wherein at least one of identifying a starting location and identifying an ending location includes using a map feature to identify a location.

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Regarding claim 7, Ran (col. 17, lines 34-47; col.22, lines 4-9) discloses the method of claim 2, wherein at least one of identifying a starting location and identifying an ending location includes manually entering coordinates.

Regarding claim 8, Ran (col. 17, lines 34-47) discloses the method of claim 2, wherein at least one of identifying a starting location and identifying an ending location includes manually selecting a location on an electronic map.

Regarding claim 9, Ran (fig. 7, col. 21; figs. 8&9) discloses the method of claim 1, wherein associating a travel distance includes:

identifying a first endpoint on a newly recorded track log (note that data is updated in the prior art; col. 22, lines 4-21);

identifying a second endpoint on the a newly recorded track log (note that data is updated in prior art; col. 22, lines 4-21); and

determining the travel distance along the newly recorded track log (note that data is updated in prior art; col. 22, lines 4-21) between the first endpoint and the second endpoint.

Regarding claim 10, Ran discloses the method of claim 9, further comprising forming the newly recorded track log by monitoring PDA travel (col. 21, lines 62-64; GPS, col. 22, lines 4+).

Regarding claim 11, Ran discloses the method of claim 10, wherein forming the newly recorded travel log by monitoring PDA 16 travel includes:

identifying PDA positions using global positioning system (GPS, col. 22, lines 4+) technology over a period of time; and

recording (col. 22, lines 4-21) a set of track log points for the track log by using at least some of the identified PDA positions (col. 21, lines 62-64).

Regarding claim 12, Ran (col. 22, lines 9-15) discloses the method of claim 10, further comprising storing the newly recorded track log in a memory located in the PDA (col. 22, lines 9-15, lines 22+; col. 21, lines 42-49).

Regarding claim 13, Ran (col. 21, lines 62-64) discloses the method of claim 10, further comprising storing the newly recorded track log in memory of an electronic device that is external to the PDA.

Regarding claim 14, Ran (col. 20-22) method of claim 13, further comprising wirelessly transmitting the first endpoint, the second endpoint, and the newly recorded track log to the electronic device such that the external device is capable of determining the travel distance along the newly recorded track log between the first endpoint and the second endpoint.

Regarding claim 15, Ran (cols. 20-22) discloses a method of using a Personal Digital Assistant (PDA, fig. 1, col. 17, lines 25-30) to provide travel expenses for an expense report (fig. 9, steps 97, 99; col. 22, lines 41+), comprising:

- identifying a starting location of the PDA (col. 22, lines 22-66);
- monitoring travel of the PDA from the starting location (col. 22, lines 22-66);
- recording (col. 22, lines 9-15) a number of track log data points (point to point, node, node coordinate; col. 17, lines 17-39; col. 21, lines 30-49) that represent actual positions of the PDA from the monitored travel of the PDA (figs. 6, 8-10); and

- associating a travel distance with a PDA expense report entry (fig. 9, steps 97, 99; col. 22, lines 41-49), the travel distance taken from the number of track log data points that represent actual positions of the PDA from the monitored travel of the PDA (point to point, node, node coordinate; col. 17, lines 17-39; col. 21, lines 30-49; col. 22, lines 22-66).

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Regarding claim 16, Ran (cols. 20-22; fig. 9) disclose the method of claim 15, wherein:
identifying a starting location includes resetting a counter; and

monitoring travel from the starting location includes incrementing the counter (col. 22, lines 42-49).

Regarding claim 17, Ran (col. 22; fig. 9) disclose the method of claim 15, wherein
monitoring travel from the starting location includes monitoring a position of the PDA using
global positioning system (GPS) technology (col. 24, lines 14+).

Regarding claim 18, Ran (col. 17, line 29; fig. 1) disclose the method of claim 15,
wherein monitoring travel from the starting location includes receiving a signal from a vehicle
odometer that indicates the distance traveled.

Regarding claim 19, Ran (col. 22, lines 36-49; fig. 9) disclose the method of claim 15,
further comprising:

transmitting the travel distance associated with the PDA expense report entry to an
electronic system (85, fig. 8) external to the PDA;

calculating a travel expense based on the travel distance transmitted to the electronic
system; and

creating an expense report that includes the travel expense.

Regarding claim 20, Ran (col. 22, lines 36-49; fig. 9) disclose the method of claim 15,
further comprising calculating a travel expense based on the travel distance, wherein associating
the travel distance with a PDA expense report entry includes associating the travel expense with
the PDA expense report entry for use in creating the expense report.

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Regarding claim 21, Ran disclose a method of using a Personal Digital Assistant (PDA, fig. 1, col. 17, lines 25-30) to provide travel expenses for an expense report (fig. 9, steps 97, 99; col. 22, lines 41+), comprising:

selecting a procedure for determining a travel distance based on navigation data (fig. 9, steps 97, 99; col. 22, lines 41-49), wherein the procedures for determining a travel distance include:

calculating a route between a starting location and an ending location (col. 22, lines 4-15);

determining a distance along a track log (prediction out put 98) between the starting location and the ending location (col. 22, lines 22-49); and

incrementing a counter to monitor a distance traveled (col. 22, lines 42-49; fig. 9) from the starting location;

determining the travel distance based on navigation data using the selected procedure (col. 22, lines 22-49); and

associating the travel distance with a PDA (16, col. 17, lines 25-30) expense report entry (fig. 1; col. 17, lines 25-30; fig. 9, steps 97, 99; col. 22, lines 41-49).

Regarding claim 22, Ran (fig. 8&9) disclose the method of claim 21, wherein calculating a route between a starting location and an ending location includes:

wirelessly transmitting the starting location (col. 21, lines 50+; col. 22, lines 4-8) and the ending location from the PDA (16, col. 17, lines 25-30) to an external electronic device 85 (fig. 8) such that the external electronic device 85 is capable of calculating the route and determining the travel distance (col. 21, lines 39 through col. 22, lines 1-49); and

wirelessly transmitting (fig. 8; col. 21, lines 39 through col. 22, lines 1-49) the travel distance from the external device 85 to the PDA (16, col. 17, lines 25-30).

Regarding claim 23, Ran (fig. 8&9) disclose the method of claim 21, wherein determining a distance along a track log between the starting location and the ending location further comprises forming the track log by monitoring PDA travel (col. 21&22).

Regarding claim 24, Ran (fig. 8&9) disclose the method of claim 23, wherein forming the travel log by monitoring PDA travel includes:

identifying PDA positions using global positioning system (GPS) technology over a period of time (col. 22, lines 4+); and

forming a set of track log points for the track log by using at least some of the identified PDA positions (col. 21, lines 30+).

Regarding claim 25, Ran (fig. 8&9) disclose the method of claim 21, wherein determining a distance along a track log between the starting location and the ending location further comprises storing the track log in a memory located in the PDA (col. 22, lines 9-15, lines 22+; col. 21, lines 42-49).

Regarding claim 26, Ran (fig. 8&9) disclose the method of claim 21, wherein determining a distance along a track log between the starting location and the ending location further comprises storing the track log in an electronic device memory 85 that is external to the PDA (col. 22, lines 9-15, lines 22+; col. 21, lines 42-49).

Regarding claim 27, Ran (fig. 8&9) disclose the method of claim 26, wherein determining a distance along a track log between the starting location and the ending location further comprises wirelessly transmitting the first endpoint, the second endpoint, and the track

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log to the electronic device 85 such that the external device 85 is capable of determining the distance along the track log between the first endpoint and the second endpoint (col. 22, lines 4+).

Regarding claim 28, Ran (fig. 8&9; cols. 20-22; fig. 9) disclose the method of claim 21, further comprising resetting the counter to zero at the starting location (col. 22, lines 42-49).

Regarding claim 29 Ran (fig. 8&9; col. 22) disclose the method of claim 21, further comprising monitoring a position of the PDA using global positioning system (GPS) technology to monitor the distance traveled from the starting location.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 30 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ran (6317686) in view of Obradovich et al (2002/0013815).

Regarding claim 30 Ran (fig. 8&9; col. 22) disclose the method of claim 21, but did not disclose receiving a signal from a vehicle odometer. However, Obradovich et al (sec. 0112, 0103, 0104) teach of using a PDA 130 to receive a signal from a vehicle odometer that indicates the distance traveled to monitor the distance traveled from the starting location.

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Therefore, it would have been obvious to one of ordinary skill in the art of navigation to modify the Ran device as taught by Obradovich et al for the purpose of monitoring mileage of a rented vehicle.

5. Claims 31-36 are rejected under 35 U.S.C. 102(e) as being anticipated Yamashita et al (2002/0052689).

Regarding claim 31, Yamashita et al disclose a Personal Digital Assistant (PDA) device (section 0159, fig. 1) with an integrated electronic map and expense report (sec. 0060, 0058, 0059, 0064; figs. 1, 6) comprising:

- a processor 1; and

- a memory 4 (sec. 0060) adapted to communicate to the processor 1, the memory 4 including navigation data, expense report data, and computer-executable instructions (sec. 0058, 0059, 0064), wherein the computer-executable instructions (sec. 0058, 0059, 0064) are operable to:

- monitor travel of the PDA (figs. 6A&B; sections 0059, 0064, 0093, 0159);

- record (sections. 0060, 0093) track log data points (coordinates; sec 0067, 0068, 0074; nodes, sec. 0063) that represent actual positions of the PDA from the monitored travel of the PDA (sec. 0159);

- identify a travel distance from the recorded (sections. 0060, 0093) track log data points (coordinates; sec 0067, 0068, 0074); and

- associate the travel distance with the expense report data (sections. 0060 to 0064).

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Regarding claim 32, Yamashita et al disclose the PDA device of claim 31, wherein the memory includes a removable map data cartridge (DVD, CD, section 0060) on which electronic map data is stored.

Regarding claim 33, Ran discloses the PDA device of claim 31, wherein the device includes a transceiver (fig. 8) adapted for transmitting and receiving wireless signals.

Regarding claim 34, Yamashita (sec. 0067) disclose the PDA device of claim 31, further comprising a Global Positioning System (GPS) receiver adapted to receive GPS signals, wherein the GPS receiver is adapted to communicate with the processor 1 (fig. 1).

Regarding claim 35, Yamashita (fig. 6A, etc) disclose the PDA device of claim 31, wherein the computer-executable instructions (sec. 0058, 0059) operable to identify a travel distance from the navigation data includes computer executable instructions operable to:

- identify a starting location (secs. 0074 through 0078);

- identify an ending location (secs. 0074 through 0078);

- calculate a route between the starting location and the ending location (secs. 0074 through 0078); and

- determine a distance (sec. 0077) along the route between the starting location and the ending location (secs. 0074 through 0078).

Regarding claim 36, Yamashita disclose the PDA device of claim 31, wherein the computer-executable instructions operable to identify a travel distance includes computer-executable instructions adapted to:

- identify a first endpoint (sec. 0074) on a track log segment (links; secs. 0063, 0061, 0079 through 0078; fig. 6);

identify a second endpoint (sec. 0074) on the track log segment (links; secs. 0063, 0061, 0074 through 0079; fig. 6); and

determine a distance along the track log segment between the first endpoint and the second endpoint (secs. 0061, 0074 through 0079).

Response to Arguments

6. Applicant's arguments filed 10-15-02 have been fully considered but they are not persuasive for the following reasons:

The applicant argues that the Ran reference is not prior art; however, the applicant does not give any basis to support the argument. The Ran reference is prior art since Ran has a US filing date of 7-21-2000 while the applicant's filing date is 2-08-02.

Next, the applicant argues that using an actual track log to associate a travel distance with a PDA expense report entry is not equivalent to "predicting" a travel cost based on a pre-chosen route. The examiner respectfully disagrees. Ran predicts travel distances and costs and also uses actual stored track log data points to associate a travel distance with a PDA expense report entry. As an example, while en route, Ran, col. 22, lines 4-49 mentions collecting track log data points (nodes, point to point, etc) to associate a travel distance with a PDA expense report entry. Here, Ran also indicates that the data is continually updated on the go. In addition, in Ran column 21, lines 60+, it is indicated that track log data points (travel data) are stored to create a historical statistic of the user's trip.

Next, the applicant argues that in the prior art reference, Ran, there is no indication that a particular route will be taken. The examiner does not understand the basis of the argument since

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indicating whether a particular route *will be taken* or not is not a limitation in the claim. In summary, Ran (fig. 1) discloses “monitoring travel of the PDA 16 travel and recording (col. 22, lines 9-15) track log data points (point to point, node, node coordinate; col. 17, lines 17-39; col. 21, lines 30-49) that represent the PDA travel (figs. 6, 8-10)”. In addition, Ran uses GPS technology, or voice inputs and text technology (col. 22, lines 2-9) for monitoring PDA (col. lines 17-39).

It is not clear how the applicant admits that Ran provides a summary of historical statistical data of a trip taken by a user and at the same time denies that in Ran there is no monitoring or recording of data. If no data of a trip was recorded in the Ran reference, then how in the world can a history of a trip taken in the past by a user be obtained by the user using his PDA and a password to retrieve such recorded data for historical statistical analysis ?

Next, the applicant argues that the Ran reference does not describe incrementing a counter. The examiner respectfully disagrees. In the Ran disclosure, GPS technology is used which technology is known for counting a distance traveled to anywhere on earth. In addition, in Ran data is continually updated while en route. When a user computes or counts a distance to a destination, while en route and because of an accident or traffic situations for example, the user can use an alternative route to the same destination. While using the alternative route, a new distance is recounted or recomputed of which the new distance is different from the originally computed distance to the destination. Therefore, although ran does not specifically use the word “counter”, Ran (figs. 8, 9; col. 4-21) discloses incrementing a counter of distance traveled. Even if Ran did not specifically mention a counter, Obradovich (section 0062, 0063) and some of the other references cited in the last action mention it.

Next, referring claim 30, the applicant argues that in the 103(a) rejection, Ran and Obradovich do not disclose all the limitations of claim 30. The examiner disagrees. Ran (fig. 8&9; col. 22) discloses the method of claim 21, but did not disclose receiving a signal from a vehicle odometer. However, Obradovich et al (sec. 0112, 0103, 0104) teach of using a PDA 130 to receive a signal from a vehicle odometer that indicates the distance traveled to monitor the distance traveled from the starting location. Therefore, it would have been obvious to one of ordinary skill in the art of navigation to modify the Ran device as taught by Obradovich et al for the purpose of monitoring mileage of a rented vehicle.

Finally, the applicant's arguments with respect to amended claim 31-37 are moot in view of the new rejection above.

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

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however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

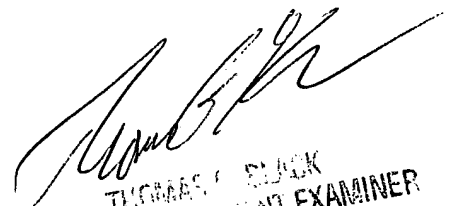
Communication

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ronnie Mancho whose telephone number is 703-305-6318. The examiner can normally be reached on Mon-Thurs: 9-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tom Black can be reached on 703-305 9707. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-7687 for regular communications and 703-305-7687 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.

January 2, 2003


THOMAS F. BLACK
SUPERVISORY PATENT EXAMINER
GROUP 3662